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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
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12 EPIC GAMES, INC.,

13 *Plaintiff, Counter-defendant,*

14 v.

15 APPLE INC.,

16 *Defendant, Counterclaimant.*
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Case No. 4:20-cv-05640-YGR

**DECLARATION OF JOHN F. COVE,
JR. IN SUPPORT OF NON-PARTY
SONY INTERACTIVE
ENTERTAINMENT LLC'S
ADMINISTRATIVE MOTION TO KEEP
COMPETITIVELY SENSITIVE
INFORMATION UNDER SEAL**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, John F. Cove, Jr., declare as follows:

2 1. I am a partner at the law firm of Shearman & Sterling LLP and represent non-party
3 Sony Interactive Entertainment LLC (“SIE”) in connection with this litigation. I am a member in
4 good standing of the Bars of the States of New York and California, and a member of the Bar of
5 this Court. I make this declaration based on personal knowledge and, if called as a witness, I
6 could and would testify competently to the matters set forth herein.

7 2. Pursuant to Local Rule 79-5, I submit this declaration in support of SIE’s
8 Administrative Motion to Keep Competitively Sensitive Informative Under Seal.

9 3. On Wednesday, April 28, 2021, I reached out to counsel for plaintiff Epic Games,
10 Inc. (“Epic”), informed her that SIE intended to move to seal the documents described below, and
11 asked whether Epic intended to oppose the motion. Epic’s counsel stated that Epic would not
12 oppose SIE’s motion.

13 4. On Wednesday, April 28, 2021, I reached out to counsel for defendant Apple Inc.
14 (“Apple”), informed him that SIE intended to move to seal the documents described below, and
15 asked whether Apple intended to oppose the motion. Apple’s counsel stated that Apple could not
16 take a position until after it had reviewed SIE’s motion.

17 5. Attached hereto as Exhibit A is a true and correct copy of a document produced by
18 SIE in response to subpoenas from Apple and Epic, bearing bates numbers SONY-EPvAPP-00002
19 – SONY-EPvAPP-00005, which Apple has listed on its trial exhibit list as DX-4354. This
20 document was designated by SIE as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
21 ONLY” pursuant to the governing protective order.

22 6. Attached hereto as Exhibit B is a true and correct copy of a document produced by
23 SIE in response to subpoenas from Apple and Epic, bearing bates numbers SONY-EPvAPP-00012
24 – SONY-EPvAPP-00020, which Apple has listed on its trial exhibit list as DX-3520. This
25 document was designated by SIE as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
26 ONLY” pursuant to the governing protective order.

27 7. Attached hereto as Exhibit C is a true and correct copy of a document produced by
28 SIE in response to subpoenas from Apple and Epic, bearing bates numbers SONY-EPvAPP-00006

1 – SONY-EPvAPP-00011, which Apple has listed on its trial exhibit list as DX-4357. This
2 document was designated by SIE as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
3 ONLY” pursuant to the governing protective order.

4 8. The accompanying Declaration of Don Sechler explains the factual basis for
5 sealing these documents.

6 9. I declare under penalty of perjury that the foregoing is true and correct and that I
7 executed this declaration on April 28, 2021, in the Northern District of California.

8
9 /s/ John F. Cove, Jr.
John F. Cove, Jr.